



22 JUN 2006

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In re application of :
BENGTTSSON et al. :
US Application No.: 10/542,671 :
International Application No.: PCT/EP2003/014530: :
Filing Date: 18 December 2003 : COMMUNICATION
Priority Date: 30 January 2003 :
Attorney Docket No.: 47253-00064USPX :
For: TRUNCATION AND LEVEL :
ADJUSTMENT OF RAKE OUTPUT :
SYMBOLS :

This communication is in response to applicant's letter "to request a review to determine the status of the Notice of Acceptance, filing receipt and fees", filed 08 March 2006.

BACKGROUND

On 18 December 2003, applicants filed international application PCT/EP2003/014530 with the European Patent Office (RO/EP). The submission was assigned the above-identified International Application Number and International Filing Date.

On 18 July 2005, applicant filed a U.S. national stage application under 35 U.S.C. 371.

A Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) was mailed on 17 November 2005 indicating that an Oath or Declaration of the inventor in compliance with 37 CFR 1.497(a) and (b) must be provided. Additionally, the Notification stated that to avoid abandonment, a surcharge, as set forth in 37 CFR 1.492(h), of \$130.00, for a non-small entity, must be submitted. The summary of fees due, in the Notification of 17 November 2005, stated that, for this application, \$-230.00 is due for a large entity.

On 28 December 2005, Applicant filed a response to the Notification of Missing Requirements including a check in the amount of \$130.00.

On 12 January 2006, a Withdrawal of Previously Sent Notice and a second Notification of Missing Requirements were mailed to the applicant. In the Withdrawal of Previously Sent

Notice, it was stated that "[t]he Acceptance Notice mailed on 11/17/2005 was sent in error and is hereby withdrawn". The second Notification of Missing Requirements re-iterated that the Oath or Declaration of the inventor in compliance with 37 CFR 1.497(a) and (b) must be provided.

On 08 March 2006, applicant filed the present letter requesting review of the file history.

DISCUSSION

There was no Notice of Acceptance (PCT/DO/EO/903) mailed to the applicants. The recitation of such on the Withdrawal of Previously Sent Notice was in error. Rather, the Withdrawal of Previously Sent Notice should have stated that the previously sent Notification of Missing Requirements is hereby withdrawn.

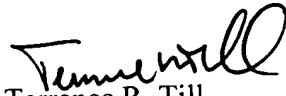
Additionally, upon reviewing the contents of the application file, no signed Oath or Declaration was found. If applicants have filed an Oath or Declaration in compliance with 37 CFR 1.497(a) and (b), as required by the first Notification of Missing Requirements, applicant will need to submit a petition under 37 C.F.R. 1.181 establishing that an Oath or Declaration was filed 28 December 2005. The petition should be accompanied by evidence that an Oath or Declaration was filed, e.g., an itemized post card receipt (see MPEP 503), a copy of the Oath or Declaration originally filed 28 December 2005, and a statement that the copy is a true copy of what was submitted 28 December 2005.

CONCLUSION

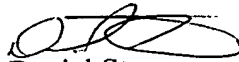
The period for reply to the Notification of Missing Requirements, mailed 12 January 2006, continues to run. However, if it is established that an Oath or Declaration in compliance with 37 C.F.R. 1.497(a) and (b) was filed 28 December 2005, the Notification of Missing Requirements mailed 12 January 2006 will be vacated.

Additionally, it is noted that the address on the letterhead of the letter requesting review of the file history, received 08 March 2006, is different than the address the U.S. Patent and Trademark Office has been using. The letterhead states "suite 3700" and the address used by the U.S. Patent and Trademark Office states "suite 3200". All other address information is identical. It is requested that applicant indicate what is the correct suite number. Additionally, if "suite 3700" is the correct address, a change of correspondence address will need to be filed.

Any further correspondence with respect to this matter , including any petition, should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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